



U.S. Department of Justice

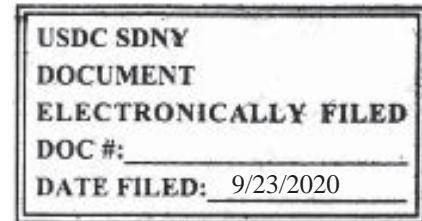
United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 21, 2020

VIA ECF

Hon. Alison J. Nathan
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007



Re: Zingg v. Cuccinelli, No. 20 Civ. 6780 (AJN)

Dear Judge Nathan:

This Office represents the government in the above referenced action in which plaintiffs seek an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate their Petitions for Alien Entrepreneur (Form I-526). The Court has scheduled an initial conference for October 2, 2020. *See* ECF No. 7. As the government received service of the complaint on August 28, 2020, the government’s response to the complaint is not due until October 27, 2020. *See* Fed. R. Civ. P. 12(a)(2). I write respectfully to request that the initial conference be adjourned until after the government files its response to the complaint.

SO ORDERED *Alison J. Nathan* 9/21/2020

The adjournment is requested in the interests of judicial efficiency and conservation of resources. Although this Office is still gathering information about this matter, it anticipates that it may file a motion to dismiss. The adjournment thus will afford the government the time provided by the Federal Rules to determine the form of and prepare its response. The government respectfully submits that it will be more efficient to have the conference after it responds to the complaint. This is the government’s first request to adjourn the conference. Plaintiffs’ counsel objects to the request and has provided the following reason: “my objection is that I find the motion to dismiss lacks a basis in law or fact and that the judge herself has scheduled the conference and has made a preliminary decision that she has jurisdiction to hear this matter and that the government is engaging in dilatory practices to evade accountability.”

I thank the Court for its consideration of this request.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

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The conference is adjourned
until October 30, 2020 at
3:45 P.M.

cc: Counsel of record (via ECF)